

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL ANTONELLI, individually and on )  
behalf of all others similarly situated, )

Plaintiffs, )

vs. )

HARMONIX MUSIC SYSTEMS, INC., )  
VIACOM INC., and )  
ELECTRONIC ARTS, INC., )

Defendants. )

Case No. CV 08 1445 SC

[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS  
COMPLAINT AND MOTION TO STRIKE

Date: June 13, 2008

Time: 10:00 a.m.

Ctrm: 1 (17th Floor)

Judge: Honorable Samuel Conti

Complaint Filed: March 13, 2008

1 The Motion To Dismiss Complaint And Motion To Strike filed by Defendants Harmonix  
 2 Music Systems, Inc., Viacom Inc. and Electronic Arts Inc. came on for hearing before the Court  
 3 on June 13, 2008. After consider the papers submitted in support of and in opposition to the  
 4 motion, arguments of counsel, and all other matters presented to the Court,

5 IT IS HEREBY ORDERED AS FOLLOWS:

6 Defendants' Motion is GRANTED:

- 7 • The First Cause of Action of Plaintiff Michael Antonelli's Class Action Complaint  
 8 ("Complaint") against the Defendants, for violations of the Unfair Competition Law,  
 9 Cal. Bus. & Prof. Code §§ 17200 *et seq.*, is DISMISSED WITHOUT LEAVE TO  
 10 AMEND.
- 11 • The Second Cause of Action of the Complaint , for violations of the Consumer Legal  
 12 Remedies Act, Cal. Civ. Code §§ 1750 *et seq.*, is DISMISSED WITHOUT LEAVE  
 13 TO AMEND.
- 14 • The Third Cause of Action of the Complaint, for violations of the False Advertising  
 15 Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.*, is DISMISSED WITHOUT LEAVE  
 16 TO AMEND.
- 17 • The Fourth Cause of Action of the Complaint, for unjust enrichment, is DISMISSED  
 18 WITHOUT LEAVE TO AMEND.
- 19 • The portion of the "Prayer For Relief" of the Complaint with the following language,  
 20 "awarding them damages, including actual, compensatory, and punitive damages, as  
 21 appropriate" (Page 17, Line 18), is STRICKEN.

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- 1       • The portion of paragraph 25 of the Complaint with the following language, “The  
2       proposed Plaintiff Class consists of all persons and entities in the United States who  
3       purchased or received as a gift the PlayStation 3 ® version of *Rock Band* from  
4       Defendants” (Page 13, Lines 14-16), is STRICKEN.

5       IT IS SO ORDERED.

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7       Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Samuel Conti  
Judge, United States District Court

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9       Respectfully submitted,

10       IRELL & MANELLA LLP  
11       Richard B. Kendall (90072)  
12       Richard M. Simon (240530)

13       By: /s/ Richard B. Kendall  
14       Attorneys for Defendants  
15       Harmonix Music Systems, Inc.  
16       Viacom Inc. and Electronic Arts Inc.